उत्तर प्रदेश शासन

वित्त (सामान्य) अनुभाग-3

संख्याः21/2016-सा-जी0आई0-10/दस-2016-101(24)/2008

लखनऊ :दिनांक : 05 जुलाई, 2016

कार्यालय-ज्ञाप

दिनाँक 01 जनवरी, 2006 के पूर्व सेवानिवृत्त अखिल भारतीय सेवाओं के पेंशनरों के पेंशन पुनरीक्षण के संबंध में भारत सरकार, कार्मिक लोक शिकायत एवं पेंशन मंत्रालय, पेंशन और पेंशनभोगी कल्याण विभाग के कार्यालय के कार्यालय-ज्ञाप संख्या-38/37/08-पी0 एण्ड पी0 डब्ल्यू0(ए), दिनाँक 28-01-2013 तथा कार्यालय-ज्ञाप संख्या-38/37/08-पी0एण्ड पी0 डब्ल्यू0(ए), दिनाँक 30-07-2015 की प्रतिलिपि क्रमशः वित्त विभाग के कार्यालय-ज्ञाप संख्या-सा-3-198/दस-2013-101(24)/2008, दिनाँक 09-04-2013 तथा कार्यालय-ज्ञाप संख्या- सा -3-855/ दस -2015-101 (24) /2008 टी0सी0, दिनाँक 10-09-2015 द्वारा सर्कुलेट किये जा चुके है।

2- पेंशन एवं पेंशनभोगी कल्याण विभाग के कार्यालय-ज्ञाप संख्या-38/ 37/08-पी0 एण्ड पी0 डब्ल्यू0(ए), दिनांक 06-04-2016 के अनुसार वर्ष 2006 से पूर्व सेवानिवृत्त पेंशनभोगियों की पेंशन पुनरीक्षण के फलस्वरूप संशोधित पेंशन में 33 वर्ष की अर्हक सेवा की बाध्यता हटा दी गयी है। कार्मिक और प्रशिक्षण विभाग, भारत सरकार के कार्यालय-ज्ञाप संख्या-25014/2013- ए0 आई0 एस0-।।, दिनाँक 12-05-2016 द्वारा यह आदेश प्रसारित किये गये है कि उपर्युक्त कार्यालय-ज्ञाप संख्या-संख्या-38/37/08-पी0 एण्ड पी0 डब्ल्यू0(ए), दिनांक 06-04-2016, वर्ष 2006 के पूर्व सेवानिवृत्त अखिल भारतीय सेवाओं के पेंशनरों पर यथावत् लागू होगा।

3- अतः कार्मिक और प्रशिक्षण विभाग, भारत सरकार के कार्यालय-ज्ञाप संख्या-25014/2013-ए0 आई0 एस0-।।, दिनाँक 12-05-2016 तथा पेंशन और पेंशनभोगी कल्याण विभाग, भारत सरकार के उक्त कार्यालय-ज्ञाप दिनाँक 06-04-2016 की प्रति संलग्न करते हुए अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि वर्ष 2006 के पूर्व सेवानिवृत्त हुये अखिल भारतीय सेवाओं के पेंशनरों को देय पेंशन का पुनरीक्षण उक्त कार्यालय-ज्ञाप में दी गयी संशोधित व्यवस्था को ध्यान में रखते हुए किया जाये।

संलग्नक: यथोक्त।

अजय अग्रवाल

सचिव, वित्त।

--2--

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अत: इस पर हस्ताक्षर की आवश्यकता नहीं है ।

2- इस शासनादेश की प्रमाणिकता वेब साइट http://shasanadesh.up.nic.in से सत्यापित की जा सकती है।

संख्याः21/2016-सा-3-जी0आई0-10(1)/दस-2016-101(24)/2008, तद्दिनाँक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषितः-

1- समस्त प्रमुख सचिव/ सचिव, उ0प्र0 शासन।
2- महालेखाकार, उ0प्र0 इलाहाबाद।
3- विशेष सचिव, इरला चेक अनुभाग, उ0प्र0 शासन।
4- निदेशक, कोषागार, उ0प्र0 लखनऊ।
5- निदेशक, पेंशन, उ0प्र0 लखनऊ।
6- उत्तर प्रदेश के समस्त जनपदों के मुख्य कोषाधिकारी/वरिष्ठ कोषाधिकारी / कोषाधिकारी।

आज्ञा से,

नील रतन कुमार
विशेष सचिव।

http://shasanadesh.up.nic.in

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है ।
2- इस शासनादेश की प्रमाणिकता वेब साइट http://shasanadesh.up.nic.in से सत्यापित की जा सकती है।

F:No. 25014/1/2013-AIS-11
Government of India
Ministry of Personnel, Public Grievances and Pension
(Department of Personnel & Training)

North Block, New Delhi-110001
Dated the 12th May, 2016

To

All the Chief Secretaries of State Governments/UTs.

Subject: Revision of pension of pre-2006 pensioners of All India Services - delinking the pension from qualifying service of 33 years.

Sir,

I am directed to refer to the above mention subject and to say that in compliance of the judicial pronouncement, the Department of Pension & Pensioners vide its O.M. No. 38/37/08-P&PW(A) dated 06/04/2016 has decided that the pension of pre-2006 pensioners, in no case, shall be lower than 50% of corresponding scale in the fitment table delinking the pension from qualifying service of 33 years and the same is to be revised w.e.f. 01.01.2006. The applicability of the provisions of the aforesaid O.M. dated 06/04/2016 to All India Services pensioners of pre-2006 has been considered by this Department and it is decided that provisions of the aforesaid O.M. of Department of Pension & Pensioners Welfare shall be applicable mutatis-mutandis to All India Service pensioners of pre-2006.

Yours faithfully,

(Rajesh Kumar Yadav)
Under Secretary to the Government of India
011 - 2309 4714

Copy to:

1. Central Government Ministries/Departments
2. Accountant General in the States and UTs.
3. Department of Expenditure, Ministry of Finance, North Block, New Delhi
4. PAO of all Ministries/Departments
5. C&AG, Bahadur Shah Zafar Marg, New Delhi
6. Ministry of Railways, Railway Board, New Delhi
7. CGA, Department of Expenditure, 7th Floor, Lok Nayak Bhavan, Khan Market, New Delhi
8. Director (Pension), DP&PW, Lok Nayak Bhavan, Khan Market, New Delhi
9. NIC for posting on the website of this Department on persmin.nic.in—dopt-OM & Order—Services--Others

(Rajesh Kumar Yadav)
Under Secretary to the Government of India

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अत: इस पर हस्ताक्षर की आवश्यकता नहीं है ।
2- इस शासनादेश की प्रमाणिकता वेब साइट http://shasanadesh.up.nic.in से सत्यापित की जा सकती है।

No. 38/37/08-P&PW (A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-ll0 003.
Dated the 06th April, 2016

OFFICE MEMORANDUM

Sub:- Revision of pension of pre-2006 pensioners - delinking of revised pension from qualifying service of 33 years.

The undersigned is directed to say that as per Para 4.2 of this Department's OM of even number dated 1.9.2008 relating to revision of pension of pre-2006 pensioners w.e.f 1.1.2006, the revised pension w.e.f. 1.1.2006, in no case, shall be lower than 50% of the sum of the minimum of pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. A clarification was issued vide DoP&PW OM of even number dated 3.10.2008 that the pension calculated at 50% of the minimum of pay in the pay band plus grade pay would be calculated at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale.

2. Several petitions were filed in the Central Administrative Tribunal, Principal Bench, New Delhi inter alia claiming that the revised pension of the pre-2006 pensioners should not be less than 50% of the minimum of the pay band + grade pay, corresponding to the pre-revised pay scale from which pensioner had retired, as arrived at with reference to the fitment tables annexed to Ministry of Finance, Department of Expenditure OM No. 1/1/2008-IC dated 30th August, 2008. Hon'ble CAT, Principal Bench, New Delhi vide its common order dated 1.11.2011 in OA No.655/2010 and three other connected OAs directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006 based on the Resolution dated 29.8.2008 of the Department of Pension & Pensioners' Welfare and in the light of the observations of Hon'ble CAT in that order.

3. Orders were issued vide this Department's OM of even number dated 28.1.2013 for stepping up of pension of pre-2006 pensioners w.e.f. 24.9.2012 to 50% of the minimum of pay in the pay band and grade pay corresponding to pre-revised pay scale from which the pensioner retired. Para 5 of this OM provides that in case the consolidated pension/family pension calculated as per para 4.1 of O.M. No.38/37/08-P&PW (A) dated 1.9.2008 is higher than the pension/family pension calculated in the manner indicated in the O.M. dated 28.1.2013, the same (higher consolidated pension/family pension) will continue to be treated as basic pension/family pension.

4. Subsequently, in compliance of the order dated 1.11.2011 of the Hon'ble CAT, Principal Bench in OA No. 655/2010, order dated 29.4.2013 of Hon'ble High Court of Delhi in WP (C) No. 1535/2012 and order dated 17.3.2015 of Hon'ble Supreme Court in SLP (C) No. 36148/2013, order were issued vide this Department's OM of even number dated 30.7.2015 that the pension/family pension of all pre - 2006 pensioners/family pensioners may be revised in accordance with this Department's O.M. No.38/37/08-P&PW(A) dated 28.1.2013 with effect from 1.1.2006 instead of 24.9.2012

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अत: इस पर हस्ताक्षर की आवश्यकता नहीं है ।
2- इस शासनादेश की प्रमाणिकता वेब साइट http://shasanadesh.up.nic.in से सत्यापित की जा सकती है।

5. In accordance with the order issued in implementation of the recommendation of the 6th CPC, the pension of Government servants retired/retiring on or after 1.1.2006 has been delinked from qualifying service of 33 years. In OA No. 715/2012 filed by Shri M.O. Inasu, a pre-2006 pensioner, Hon'ble CAT, Emakulam Bench, vide its order dated 16.8.2013 directed that the revised pension w.e.f. 1.1.2006 under para 4.2 of OM dated 1.9.2008 would not be reduced based on the qualifying service of less than 33 years. The appeals filed by Department of Revenue in the Hon'ble High Court of Kerala and in the Hon'ble Supreme Court have also been dismissed. Similar orders have been passed by Hon'ble CAT/High Court in several other cases also.

6. The matter has been examined in consultation with the Ministry of Finance (Department of Expenditure). It has now-been decided that the revised consolidated pension of pre-2006 pensioners shall not be lower than 50% of the minimum of the pay in the Pay Band and the grade pay (wherever applicable) corresponding to the pre-revised pay scale as per fitment table without pro-rata reduction of pension even if they had qualifying service of less than 33 years at the time of retirement. Accordingly, Para 5 of this Department's OM of ever number dated 28-01-2013 would stand deleted. The arrears of revised pension would be payable with effect from 1-1-2006

7. Ministry of Agriculture, etc. are requested to bring the contents of' these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached and Subordinate Offices under them for revising the pension of all those pre - 2006 pensioners who had rendered less than 33 years of qualifying service at the time of retirement in the manner as indicated above on top priority. Revised Pension Payment Orders in all these cases may also be issued immediately.

8. All pension disbursing offices/banks are also advised to prominently display these orders on their notice boards for the benefit of pensioners.

9. This issues with the approval of Ministry of Finance, Deptt. of Expenditure vide ID Note No. 2(9)/EV/2015, dated 15.3.2016.

10. Hindi version will follow.

(Seema Gupta)
Deputy Secretary to the Government of India

To

1. All Ministries/Departments of Government of India. (as per standard mailing list).
2. All SCOVA Members.
3. All identified Pensioners Association.

copy to

(i) NIC Cell for uploading on the website of the Department.
(ii) AD (OL), DoPPW for Hindi Version

http://shasanadesh.up.nic.in

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अत: इस पर हस्ताक्षर की आवश्यकता नहीं है ।
2- इस शासनादेश की प्रमाणिकता वेब साइट http://shasanadesh.up.nic.in से सत्यापित की जा सकती है।